IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

MFA.No. 1231 of 2001(A)

OPMV.546/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA
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APPELLANT/ 3RD RESPONDENT:

M/S. UNITED INDIA INSURANCE COMPANY LTD.,
MUVATTUPUZHA.

BY ADV. SMT.P.A.REZIYA

RESPONDENTS/PETITIONER AND RESPONDENTS 1 AND 2:
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1. **C.V.MATHEW, CHITTOPPANATTU HOUSE,**
   MUNDAKAYAM.

2. **M.C.THOMAS, MADUKKAKUZHIYIL HOUSE,**
   KAPPAD, KANJIRAPPALLY.

3. **JOSEPH, S/o.MATHEW, PAIKKATTU HOUSE,**
   MAVADUKKARA, MEENACHAIL VILLAGE,
   MEENACHIL TALUK.

R1 BY ADV. SRI.JOSY ANTONY
R2 & R3 BY ADV. SRI.RAJU K.MATHEWS
SMT.SOUMINI JAMES

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 19/09/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.No.8418/2001 IN M.F.A.No.1231/2001

DISMISSED.

19/09/2007 **Sd/- J.B.KOSHY,JUDGE**

Sd/- K.HEMA, JUDGE

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P.A.TO JUDGE

J.B. KOSHY & K. HEMA, JJ.

M.F.A.No. 1231 of 2001

Dated this the 19th day of September, 2007.

JUDGMENT

Koshy, J:

First respondent filed a application for com pension claiming that his vehicle KL/5-4560 was damaged due to the negligent driving of the second respondent driver of the vehicle KEE-8647. The above vehicle was owned by the first respondent and insured by the appellant Insurance company. The Tribunal accepted the above contention and awarded compensation of Rs.14,988/- and directed the Insurance Company to deposit the amount with 9% interest after holding that respondents 1 to 3 (respondents 2 and 3 and the first appellant in the appeal) are jointly and severally liable to pay the amount. The contention of the Insurance Company is that with regard to third party property damage the liability of the Insurance company was limited to Rs.6000/- as can be seen from Ext.B1 policy. That fact is not disputed. But, the Tribunal did not accept that contention. In view of the specific limitation clause contained in the policy with regard to third party property damage the claimant can only realise Rs.6000/- with interest and proportionate cost from the

appellant Insurance company. Balance can be realised from second and third respondents in the appeal.

Appeal is partly allowed.

SD/-

J.B.KOSHY,
JUDGE.

SD/-

K. HEMA,
JUDGE.

Krs.

J.B. KOSHY & K. HEMA, JJ.

M.F.A.No. 1231 of 2001

Dated this the 19th day of September, 2007.

JUDGMENT